THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M. VENKATESWARA REDDY

WRIT PETITION No: 8895 of 2006

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Date: 28.04.2006

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Between:

K.V.S. Enterprises,

Formerly at No.58/3RT Pottisriramulu Nagar,

Near Hockey Ground, Masab Tank, Hyderabad,

Presently carrying on business at 10-1-1200,

UNI Buildings, A.C. Guards, Hyderabad,

Rep., by its Partner D. Sujatha.

… Petitioner.

AND

The Commercial Tax Officer,

Begumpet, Hyderabad.

… Respondents.

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND

THE HON'BLE MR JUSTICE M. VENKATESWARA REDDY

WRIT PETITION No.8895 of 2006

ORDER:- (PER THE HONOURABLE JC,J)

This writ petition is filed with a prayer as follows:

> "… … Hon'ble Court may be pleased to issue a Writ of Certiorari calling for the records relating to the Final Order bearing Rc.No.1685 2002-03 APGST, dated 31.03.2006 and the consequential Form B3 demand notice dated 31.03.2006 for the assessment year 2002-03 of the Commercial Tax Officer, Begumpet, Hyderabad, the respondent herein, and quash the same insofar as it relates to levy and demand of Turnover Tax of Rs.9,49,176/- at 1% on Rs.9,49,17,644/- and pass such further or order orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

It is agreed by the learned counsel for the petitioner and the learned Government Pleader that the issue raised in this writ petition is no more *res integra* since the same is covered by a judgment of the Supreme Court in ***BHARAT SANCHAR NIGAM LIMITED AND ANOTHER vs. UNION OF INDIA AND OTHERS*** and also following the said judgment, similar writ petitions have already been disposed of by this Court and an order passed in some of those writ petitions being WP.No.3519 of 2004 and batch is filed as material paper, which reads as follows:

> "Heard learned senior counsel for the petitioners and also the learned Special Government Pleader for Commercial Taxes.
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> The questions raised in these writ petitions are covered by a judgment of the Supreme Court reported in ***BHARAT SANCHAR NIGAM LIMITED AND ANOTHER vs. UNION OF INDIA AND OTHERS*** (2006 (1) Decisions Today (SC) 259).
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> Following the said judgment, we allow these writ petitions, quash the impugned proceedings, and leave it open to the respondents to take any steps that may be available to them in terms of the judgment of the Supreme Court cited supra. No costs."

In the circumstances this writ petition is allowed, quashing the impugned proceedings with a liberty to the respondents to take any steps as are available to

them in terms of the judgment of the Supreme Court referred to above. No costs.

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J.CHELAMESWAR, J

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M. VENKATESWARA REDDY, J

Date: 28.04.2006

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